

STATEMENT  
OF  
CONNECTICUT FOOD ASSOCIATION  
MAINE GROCERS' ASSOCIATION  
NEW HAMPSHIRE RETAIL GROCERS' ASSOCIATION  
VERMONT GROCERS' ASSOCIATION  
BEFORE THE  
INTERAGENCY COMMITTEE ON SMOKING OR HEALTH

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The subject of tobacco sales to minors has been the subject of much debate and discussion at all levels of our society. Parents are correctly concerned about their childrens' access to the product. Public officials at the local, state and national levels of government are attempting to assess the proper role of government in this area. However, no one is more concerned and more acutely aware of the issues and the need to responsibly address those issues than the retailers who sell the product to the public.

As the representatives of the more than 10,000 retail grocery stores in Connecticut, Maine, New Hampshire and Vermont, we are here today to provide the Committee with information about our efforts to comply with our existing state statutes regarding the sale of tobacco products to minors; and to suggest alternatives to the sometimes overly restrictive and often economically disruptive suggestions that have been offered as possible responses to the perceived problem.

It is not our intention to suggest that either the several states or the federal government should ignore the situation. Neither, do we suggest that those who would support the implementation of new and stringent legislation should abandon their concerns. Rather, we propose that the legitimate efforts of the retail merchants of tobacco products should be recognized and supported by our federal, state and local units of government.

**POSITIVE COMMITMENT**

What is that commitment? Let's explore what has been attempted and accomplished by our organizations and their members during the past two years:

1. A commitment to endorse and support an eighteen year old minimum sales age for tobacco products:

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- A. Of our states, only Vermont still enforces a minimum sales age lower than eighteen (18) (seventeen (17)) years of age. During the 1990 session of the Vermont state Legislature, the Vermont Grocers' Association supported H771 which would have increased the minimum sales age to eighteen (18) years of age;
  - B. Legislation would prohibit an adult from causing a minor to purchase tobacco products.
2. A commitment to educate retailers about the minimum sales age, and encourage education of sales clerks with regard to methods to ensure that sales are only to authorized adults;
- A. Creation of uniform signage for distribution to all members of the retail trade regarding the minimum sales age statutes;
  - B. Support for legislation in Maine, New Hampshire and Vermont that would remove the previously unfulfilled burden for distribution of signage from the Secretary of State's office. Placing that burden on the individual retailer.
3. Education of retail owners regarding minimum sales age laws and penalties for violation;
- A. Seminar on the subject at annual trade meetings; and part of our ongoing alcohol and tobacco training programs;
  - B. Distribution of signs, law text and guidelines at annual trade meetings;
  - C. Periodic reinforcement of message through regular association publications.
4. Education of retail store clerks regarding the law and their part in enforcement;
- A. Distribution of materials for use by store owners.

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Similarly, our organizations have supported reasonable, escalating penalties for retailers who knowingly sell tobacco products to minors.

RECENT PROPOSALS

In recent days the Secretary of Health and Human Services has suggested model legislation for discussion by the states with regard to cigarette sales to minors. While well intentioned, we feel the proposals go too far and fail to acknowledge our concerns, the realities of the marketplace and existing laws.

The Secretary suggests an "alcohol-type" licensing system. This is unworkable. Tobacco sales can represent up to 25% of a retailer's gross sales. The imposition of a licensing structure that would require selective siting, community approval and restricted availability, as with alcohol, would mean some retailers would not survive. Some states, New Hampshire and Vermont for example, restrict some alcohol sales to state-operated stores. Other sales licenses are restricted to retailers in remote locations where state-run operations would not be profitable.

The suggestion also ignores the fact that many retailers currently hold licenses related to tobacco sales. These are controlled by their states' departments of revenue and are related to their tax collection responsibilities. New punitive licensing is not necessary.

An area totally ignored by the Secretary's proposals is that of responsibility. The sale of tobacco products to minors requires at least two parties -- the seller and the buyer. In some cases a third party, an adult sending a minor to purchase cigarettes for their use, intervenes in the process. However, all of the burden for responsible action rests on the shoulders of the seller. This is unfair.

The minor and the adult purchaser should bear some responsibility for the transaction. We would suggest the enactment of laws that "prohibit the purchase of tobacco products by minors." Similarly, we would and have supported laws that would "prohibit an adult from causing a minor to purchase tobacco products."

Laws prohibiting minors to purchase tobacco products have been enacted, at our suggestion, in Maine and New Hampshire. Similar laws have been proposed in Vermont, Connecticut and Massachusetts, but have been rejected by the legislatures in those states.

Laws prohibiting an adult from causing a minor to purchase tobacco products have been proposed in Massachusetts. In Vermont, we have supported repeal of state laws allowing a minor to purchase tobacco with the approval of an adult. This was rejected.

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CONCLUSION

It is our opinion that we in the retail trade have accepted our responsibility for keeping tobacco products out of the hands of minors. Are we always successful? -- no. Unfortunately we, like the government, are only human and we fear that perfection will always elude us. However, we have recognized the concern and have been taking positive steps to address it for more than two years. We ask that the public and the government take note of those positive accomplishments.

There are others who should share the responsibility for keeping tobacco products out of the hands of children. These include:

A. The government

1. Enforce existing laws;
2. Assist in the effort to educate retailers.

B. The minor

Enact laws placing a portion of the responsibility on the minor and on adults who cause the minors to purchase tobacco products.

We have accepted our responsibility. Now it is time for others to accept their portion before the enactment of new laws that jeopardize the ability of a small businessman to earn a living and place them in jeopardy of criminal sanction. We would be happy to work with the Committee to develop a fair and workable plan.

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